

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CASE NO. 17-CR-20205

Plaintiff,

HON. ROBERT H. CLELAND

v.

D-1 JAMIL MARTIN,

Defendant.

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GOVERNMENT'S SENTENCING MEMORANDUM

The United States of America respectfully submits this Sentencing Memorandum regarding defendant Jamil Martin, who is scheduled to be sentenced on May 17, 2018.

INTRODUCTION

Jamil Martin was a police officer with the Detroit Police Department who was charged with one count of accepting a cash payment in exchange for referring an abandoned vehicle to a particular collision shop in the City of Detroit, in violation of federal criminal law and the policies and procedures of the Detroit Police Department. For his own financial gain, Martin broke the law, ignored his oath as a police officer, and disregarded his professional ethics and obligations. In doing so, he eroded the trust our community places in the Detroit Police Department.

Before applying the statutory factors of Title 18, United States Code, Section 3553, this Court must determine the applicable sentencing guideline range. The government and the defendant stipulated to a sentencing range of 24 to 30 months' imprisonment. However, the Probation Department calculated a guideline range of 30 to 37 months' imprisonment. The increase in the guideline range is due to the following calculation by the Probation Department: a higher criminal history category due to a conviction following the defendant's guilty plea and supervisory status with another court at the time of the offense. As required by paragraph 2B of the plea agreement, the higher guideline range becomes the agreed range. Accordingly, the United States agrees that the applicable sentencing range is now 30-37 months and asks that the defendant be sentenced within that range.

APPLICATION OF 18 U.S.C. § 3553

Title 18, United States Code, Section 3553(a) requires the Court to impose a sentence that is "sufficient, but not greater than necessary" to comply with the purposes of sentencing. In order to determine the particular sentence to impose, this Court must consider the familiar statutory factors listed in § 3553(a)(1)-(7). An application of the sentencing factors to this defendant justifies a custodial sentence.

1. *Nature and Seriousness of the Offense*

The nature and circumstances of the offense are serious. Defendant was a police officer and accepted bribes, disregarding his obligation to uphold the law. Martin's actions demonstrated patent disrespect for his duties and responsibilities as a law enforcement officer. His criminal activity was not the result of a spontaneous decision borne out of financial distress; rather, his law breaking was generated and prolonged by daily and hourly decisions and it was within his sole power to cease his criminal activity at any point.

In assessing the nature and circumstances of the offense, the Court should also take into account the violations of trust inherent in defendant's conduct. Martin was an officer and, as such, the citizens of Detroit relied upon him to advise them without the influence of self-interest. Instead, Martin allowed his advice and guidance to be fundamentally compromised by the lure of cash. Any officer who participates in such a scheme erodes the essential public trust placed in the Detroit Police Department. A custodial term of incarceration is necessary to reflect the nature and seriousness of these types of corruption offenses.

2. *Characteristics of the Defendant*

Martin's upbringing sadly began in an all too familiar manner: an absent and substance abusing father with a criminal record. Due to his mother's support, however, his childhood was filled with encouragement and "fun," as described by

Martin (PSR ¶ 40). And, he was surrounded by role model law enforcement officers: his mother, step-father, and sister. Martin, therefore, was provided with the familial support, resources, and virtues necessary to live a law-abiding life and to understand the consequences of choosing not to do so. Given his support, he could have continued an impressive legacy in law enforcement. Instead, he tarnished that legacy and the Detroit Police Department by serving as a cog in a deliberate scheme that deprived citizens of accurate and reliable information. His willingness to abuse the trust the public placed in him, in exchange for cash, speaks loudly about his character and integrity and justifies a custodial sentence. To his credit, however, Martin began to accept responsibility and redeem himself when he admitted his conduct to federal agents when questioned in October 2016 and again in March 2017.

The burden that will fall on his family members to care for one another as a result of a custodial sentence should not justify a minimal sentence. It was Martin's choice to jeopardize the support he provides and the emotional stability of the family unit. When an individual provides physical, financial, and emotional support in a familial role, it is even more crucial that the provider walk the straight and narrow so he may always be available to those who love and rely upon him. In fact, as a police officer in a family of police officers, Martin should have known precisely the risk he was embarking upon when he chose to disregard the law as

well as the obligations required of him as a law enforcement officer. The fact that additional emotional, physical, and financial burdens will fall on family members while the defendant is imprisoned is a commonplace issue and, therefore, not outside the heartland of factors taken into consideration by the sentencing guidelines.

3. *Reflect the Seriousness of the Offense, Promote Respect for the Law, and Provide Just Punishment*

Given the defendant's position as an officer at the time of the offense, it is crucial that the Court's sentence addresses the seriousness of breaching the public trust and also promotes respect for the law. The public should know that the justice system will punish law enforcement officers who break the law and break the public trust. A custodial sentence will send the message that no one is above the law, especially those entrusted to uphold the law.

4. *Deterrence to Criminal Conduct and Protection of the Community*

A custodial sentence is necessary to deter others from engaging in criminal activity of this nature. The justice system must send the appropriate message to law enforcement officers who are inclined to disregard the laws they are obligated to enforce -- a clear message that the justice system will punish such conduct.

Every day, law enforcement officers face the temptation to abuse their positions of power and the public trust. Law enforcement officers who are inclined in this direction are capable of being deterred and word of significant penalties for

such conduct travels quickly and widely within their professional and personal networks. A custodial sentence would send the message that there are serious consequences for public corruption and, accordingly, should have a significant deterrent effect. As noted in *United States v. Peppel*, 707 F.3d 627 (6th Cir. 2013), because white-collar crimes are ““more rational, cool, and calculated than sudden crimes of passion or opportunity, these crimes are prime candidates for general deterrence.”” *Peppel*, 707 F.3d at 637 (quoting *United States v. Martin*, 455 F.3d 1227, 1240 (11th Cir. 2006)). And, as aptly stated by a federal court plagued by corruption in its district:

Unlike some criminal justice issues, the crime of public corruption can be deterred by significant penalties that hold all offenders properly accountable. The only way to protect the public from the ongoing problem of public corruption and to promote respect for the rule of law is to impose strict penalties on all defendants who engage in such conduct, many of whom have specialized legal training or experiences. Public corruption demoralizes and unfairly stigmatizes the dedicated work of honest public servants. It undermines the essential confidence in our democracy and must be deterred if our country and district is ever to achieve the point where the rule of law applies to all --- not only to the average citizen, but to all elected and appointed officials.

United States v. Spano, 411 F.Supp.2d 923, 940 (N.D. Ill. 2006).

5. *The Need to Provide the Defendant with Educational or Vocational Training, Medical Care, or Other Correctional Treatment in the Most Effective Manner*

This sentencing factor, as well, justifies a custodial sentence. Martin will no longer be employed as a law enforcement officer. A custodial sentence would expose him to further education and long-term trades. A custodial sentence will also provide him with necessary and continuing support for his addiction.

6. *The Need to Avoid Unwarranted Sentence Disparities Among Defendants with Similar Records Who Have Been Found Guilty of Similar Conduct*

While the sentencing guidelines are advisory, they remain the sole means available for assuring some measure of uniformity in sentencing, fulfilling a key Congressional goal in adopting the Sentencing Reform Act of 1984. Accordingly, the Supreme Court has held that “district courts must begin their analysis with the Guidelines and remain cognizant of them throughout the sentencing process” in order to assure fair, proportionate, and uniform sentencing of criminal offenders. *Gall v. United States*, 552 U.S. 38, 50 n.6 (2007). The government is confident that this Court will do so.

CONCLUSION

Martin’s conduct was a direct affront to the trust our society places in law enforcement officers, and his sentence should reflect the harm his conduct caused as well as the need to deter future offenders.

A sentence within the guideline range would serve the goals articulated by Congress; such a sentence would be “sufficient, but not greater than necessary” to comply with the purposes of sentencing. Furthermore, Section 3553(a)(6) commands that the Court strive to avoid disparity in sentencing, which is best achieved through faithful application of the Guidelines. Accordingly, this Court should deny the defendant’s request for a variance.

Respectfully submitted,

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Dated: May 3 , 2018

CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2018, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

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